

**CUSTOMER'S MOTION TO CHALLENGE GOVERNMENT'S ACCESS
TO FINANCIAL RECORDS IN THE UNITED STATES
DISTRICT COURT**

FOR THE Eastern DISTRICT OF Virginia
(Name of District) (State in Which Court is Located)

CPT Marcellus Chambers
(Your Name)

Movant

v.

Department of Defense

Respondent

) Miscellaneous No.
) (Will be filled in by
) Court Clerk)

) MOTION FOR ORDER PURSUANT
) TO CUSTOMER CHALLENGE
) PROVISIONS OF THE RIGHT TO
) FINANCIAL PRIVACY ACT
) OF 1978.
)

Marcellus Chambers
(Your Name)

hereby move this Court pursuant to

Section 3410 of the Right to Financial Privacy Act of 1978, 12 United States Code 3401, et seq. for an order preventing the Government from obtaining access to my financial records. The agency seeking access is the Department of Defense.

My financial records are held by USAA Federal Savings Bank
(Name of Institution)

In support of this motion, the Court is respectfully referred to my sworn statement filed with this motion.

Respectfully submitted,

Marcellus 2. Chambers
(Your Signature)

9753 Haven Port Lane, Dalton, GA 37563
(Your Address)

(773) 510-9360
(Your Telephone Number)

**CUSTOMER'S SWORN STATEMENT FOR FILING A CHALLENGE
IN THE UNITED STATES DISTRICT COURT**

FOR THE Eastern DISTRICT OF Virginia
(Name of District) (State in Which Court is Located)

Marcelus Chambers
(Customer's Name)

Movant

v.

Department of Defense

Respondent

Miscellaneous No. _____
(Will be filled in by Court Clerk)

SWORN STATEMENT OF MOVANT

FINANCIAL PRIVACY ACT OF 1978

I, Marcelus Chambers, (am presently/was previously) a customer of
(Customer's Name) (Show One)

USAA Federal Savings Bank, and I am the customer whose records are
(Name of Financial Institution)

being requested by the Government.

The financial records sought by the Department of Defense are not relevant to the legitimate law
enforcement inquiry stated in the Customer Notice that was sent to me because the Department of
Defense already has access to the pertinent (cont.) or should not be disclosed because
there has not been substantial compliance with the Right to Financial Privacy Act of 1978 in that _____

or should not be disclosed on the following other legal basis: financial transactions
via my Leave and Earnings Statements. Access to my USAA
account is redundant and overboard.

I declare under penalty of perjury that the foregoing is true and correct.

Oct 22, 2020
(Month) (Day) (Year)

Marcelus L. Chambers
(Customer's Signature)

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Respectfully submitted,

(Your Signature)

9753 Haven Port Lane, Ooltewah, TN 37563
(Your Address)

(773) 510-9360
(Your Telephone Number)

**CUSTOMER'S SWORN STATEMENT FOR FILING A CHALLENGE
IN THE UNITED STATES DISTRICT COURT**

FOR THE Eastern DISTRICT OF Virginia
(Name of District) (State in Which Court is Located)

Marcelus Chambers
(Customer's Name)

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Movant

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SWORN STATEMENT OF MOVANT

Department of Defense

FINANCIAL PRIVACY ACT OF 1978

Respondent

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(Customer's Name) (Show One)

USAA Federal Savings Bank, and I am the customer whose records are
(Name of Financial Institution)

being requested by the Government.

The financial records sought by the Department of Defense are not relevant to the legitimate law enforcement inquiry stated in the Customer Notice that was sent to me because the Department of Defense already has access to the pertinent (cont.) or should not be disclosed because there has not been substantial compliance with the Right to Financial Privacy Act of 1978 in that _____

or should not be disclosed on the following other legal basis: financial transactions via my Leave and Earnings statements. Access to my USAA account is redundant and overbroad.

I declare under penalty of perjury that the foregoing is true and correct.

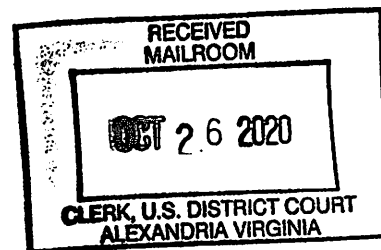
(Month) (Day) (Year)

(Customer's Signature)

Right to Financial Privacy Act, Title 12 United States Code, Section 3410



DEPARTMENT OF THE ARMY
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
FORT BENNING CID OFFICE
7080 LINCOLN STREET, BUILDING 978
FORT BENNING, GA 31905



NOTICE TO CUSTOMER

CPT Marcelus Chambers
9753 Haven Port Lane
Ooltewah, TN 37363

Dear CPT Chambers:

Records or information concerning your transactions held by the financial institution named in the attached subpoena are being sought by the Office of the Inspector General, Department of Defense, in accordance with the Right to Financial Privacy Act of 1978, 12 U.S.C. §§ 3401 et seq., for the following purpose(s):

To refute or support allegations that during the approximate period of January 2017 through December 2019, you fraudulently received pay allowances to which you were not entitled, in violation of Uniform Code of Military Justice (UCMJ) Article 121, Larceny of Government Funds and Article 124 (formerly Article 132), Frauds against the United States.

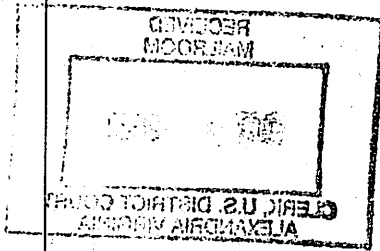
If you desire that such records or information not be made available, you must:

(1) Fill out the accompanying motion paper and sworn statement (as indicated by the instructions beneath each blank space) or write one of your own, stating that you are the customer whose records are being requested by the Government, and either giving the reasons you believe that the records are not relevant to the legitimate law enforcement inquiry stated in this notice or any other legal basis for objecting to the release of the records.

(2) File the motion and sworn statement by mailing or delivering them to the Clerk of any one of the following United States District Courts:

Virginia Eastern District Court
Albert V. Bryan United States Courthouse, 2nd Floor
401 Courthouse Square
Alexandria, VA 22314
(703) 299-2100

Texas Western District Court
John H. Wood, Jr. United States Courthouse
655 East Cesar E. Chavez Boulevard
San Antonio, TX 78206
(210) 472-6550



Tennessee Eastern District Court
Joel W. Solomon Federal Building and United States Courthouse
900 Georgia Avenue
Chattanooga, TN 37402
(423) 752-5200

(It would simplify the proceeding if you would include with your motion and sworn statement a copy of the attached subpoena, as well as a copy of this notice.)

(3) Serve the Government authority requesting the records by mailing (by registered or certified mail) or by delivering a copy of your motion and sworn statement to: **Inspector General of the Department of Defense, c/o DoD IG Subpoena Program Office, 4800 Mark Center Drive, Suite 11H25, West Tower, Alexandria, VA 22350-1500.**

(4) Be prepared to come to court and present your position in further detail.

(5) You do not need to have a lawyer, although you may wish to employ one to represent you and protect your rights.

If you do not follow the above procedures, upon the expiration of ten days from the date of service or fourteen days from the date of mailing of this notice, the records or information requested therein may be made available. These records may be transferred to other Government authorities for legitimate law enforcement inquiries, in which event you will be notified after the transfer.

Sincerely,

For 

JOSHUA FRISCHMAN
Assistant Special Agent in Charge
Fort Benning CID Office

Enclosures:

Subpoena Duces Tecum
Appendix A
Statement of Customer Rights under the
Right to Financial Privacy Act of 1978
Instructions for Completing and Filing
Motion and Sworn Statement
Motion Form
Sworn Statement Form
Certificate of Service

**United States of America
Department of Defense
Office of the Inspector General**

SUBPOENA DUCES TECUM

TO: Custodian of Records, USAA Federal Savings Bank, 10750 McDermott Freeway, San Antonio, Texas 78288

YOU ARE HEREBY COMMANDED TO APPEAR BEFORE Special Agent Scott Wahl, or any Special Agent of the United States Army Criminal Investigation Command (USACIDC) acting on behalf of the Inspector General, pursuant to the Inspector General Act of 1978 (5 U.S.C. App. 3), at USACIDC, Fort Benning CID Office, 7080 Lincoln Street, Building 975, Fort Benning, Georgia 31905 no later than 10 o'clock a.m. on the 31st day after receipt of the subpoena by the above named recipient

You are hereby required to bring with you and produce at said time and place the following information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence pertaining to any and all USAA Federal Savings Bank accounts, to include account number: 42896940, held solely or jointly by Marcelus Chambers, Social Security Number: XXX-XX-9360, a member of the United States Armed Forces, who is suspected of violating one or more punitive Articles of the Uniform Code of Military Justice, for the period January 1, 2017 through December 31, 2019, as specified in Appendix A, which are necessary in the performance of the responsibility of the Inspector General under the Inspector General Act.

IN TESTIMONY WHEREOF, the signature of the duly authorized representative of the Inspector General of the Department of Defense is affixed at Alexandria, Virginia.

MELLEN.ERIN Digitally signed by
.S.1590283530 MELLEN.ERIN.S.1590283530
Date: 2020.09.23 16:26:20
-04'00'

**Erin S. Mellen
Associate General Counsel, Office of General Counsel**

UNIQUE IDENTIFICATION NUMBER: 2020663-26763